

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MAJED ABDULLAH MALIKI,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00520

CITY OF PARKERSBURG,

Defendant.

ORDER

Before the Court is Defendants the City of Parkersburg, Mayor Tom Joyce, Chief of Police Joseph Martin, Officer Joshua Thrasher (“Thrasher”), Sargent Powers, Officer Miller, and John Doe Officers #2 and #5’s (collectively “Defendants”) Motion to Dismiss Plaintiff’s Second Amended Complaint. (ECF No. 20.) By standing order entered on January 4, 2016, and filed in this case on July 15, 2019, (ECF No. 2), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley entered his PF&R on June 29, 2020, recommending this Court grant in part and deny in part Defendants’ Motion to Dismiss. (ECF No. 31.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory

objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on July 16, 2020. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 31), and **GRANTS** Defendants' Motion to Dismiss with regard to the following claims: (1) Plaintiff's First Amendment claim based on Defendant Thrasher's allegedly retaliatory securing of a warrant for Plaintiff's cellphone; (2) Plaintiff's Fourth Amendment claim arising from Defendant Thrasher's obtaining of Plaintiff's "body fluids"; (3) Plaintiff's Fourth Amendment claim based on Defendant Thrasher's allegedly retaliatory securing of a warrant for Plaintiff's cellphone; (4) Plaintiff's equal protection claims arising from the December 20, 2018, January 22, 2019, February 7, 2019, and June 27, 2019 incidents; (5) Plaintiff's conspiracy claims; (6) Plaintiff's Section 1983 claims against the City of Parkersburg; (7) Plaintiff's negligent infliction of emotional distress claim; (8) Plaintiff's intentional infliction of emotional distress and tort of outrage claim; and (9) Plaintiff's negligent supervision and training claim. The Court **DENIES** Defendants' Motion to Dismiss Plaintiff's equal protection claim stemming from the June 2, 2018 incident. This matter remains referred to Magistrate Judge Tinsley.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 21, 2020


THOMAS E. JOHNSTON, CHIEF JUDGE